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Attorney for Defendant
 Ngan Diep

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 NGAN KIM DIEP, ET. AL.,)
)
 Defendant,)
 _____)

Criminal Case No. 13-CR-00076-09 RMW

STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING SENTENCING

Defendant NGAN KIM DIEP is presently scheduled for sentencing on December 7, 2015, at 9:00 a.m. I, Mark Arnold, the attorney for Defendant Diep, am presently unavailable due to recent surgery on October 7, 2015. I have been informed by Benjamin Flores, the Probation Officer assigned to this matter, that in order to accommodate the presently set sentencing date, the draft PSR has to be filed by November 2, 2015, with the pre-sentence interview sufficiently in advance of that date to allow for the preparation of the PSR. Prior to the scheduling of my recent surgery, Mr. Flores and I had been attempting to coordinate the pre-sentence interview of Ms. Diep, but because of the need to accommodate my schedule, Mr. Flores' schedule and

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the schedule of the Vietnamese language interpreter, the first agreeable mutual date for the interview was October 14, 2015. While this would have allowed sufficient time for the draft PSR to be completed, I was then contacted to advance long-awaited surgery from late October to October 7, 2015. Having had the surgery on October 7th, due to the period of recovery, I was unavailable for the pre-sentence interview on October 14th, leaving now insufficient time to conduct the interview and prepare the draft PSR within the statutory deadlines. I have discussed this matter with Mr. Flores, who has suggested the new sentencing date of January 11, 2016, to best accommodate his schedule.

Richard Cheng, the Assistant United States Attorney assigned to this matter, has no objection to continuing sentencing until January 11, 2016.

It is hereby requested by joint stipulation of the parties that the sentencing date currently set for December 7, 2015, be continued until January 11, 2016.

It is so stipulated.

Dated: October 19, 2015

_____/s/_____
Mark Arnold
Attorney for Ngan Diep

Dated: October 19, 2015

_____/s/_____
Richard Cheng
Assistant United States Attorney

IT IS SO ORDERED

Upon stipulation of the parties and good cause appearing therefore, the sentencing hearing in the above-entitled matter presently set for December 7, 2015, is continued to January 11, 2016, at 9:00 a.m.

DATED: 10/26/2015



THE HONORABLE RONALD M. WHYTE
United States District Judge